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| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 09/758,903             | PEUCHERT ET AL.     |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | Elizabeth A. Bolden    | 1755                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 16 January 2004.
2. ☒ The allowed claim(s) is/are 61-63.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| <ol style="list-style-type: none"><li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li><li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li><li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li><li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li></ol> | <ol style="list-style-type: none"><li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li><li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li><li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li><li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li><li>9. <input type="checkbox"/> Other _____</li></ol> |
|--|---|

  
**KARL GROUP  
PRIMARY EXAMINER  
GROUP 155**

### **DETAILED ACTION**

Any rejections and or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

#### ***Priority***

Receipt is acknowledged of the certified English translation of the foreign priority papers. The Examiner has reviewed the translation and the instant claims do receive the foreign priority date in accordance with 37 CFR 1.55. See MPEP § 201.15.

#### ***Terminal Disclaimer***

The terminal disclaimer filed on 16 January 2004 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of Patent Number 6,417,124 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nils Ljungman on 9 February 2004.

The application has been amended as follows:

On page one of the specification under the heading titled "Cross-Reference to Related Patent Applications" please replace the entire section with the following three paragraphs.

- -This application is related to Application Serial No. 09/758,919, filed concurrently herewith on January 11, 2001, having the title ALKALI-FREE ALUMINOBOROSILICATE GLASS, AND USES THEREOF, naming as inventors Dr. Ulrich PEUCHERT and Dr. Peter BRIX, and identified by Attorney Docket No. NHL-SCT-18 US.

This application is also related to Application Serial No. 09/758,952, filed concurrently herewith on January 11, 2001, having the title ALKALI-FREE ALUMINOBOROSILICATE GLASS, AND USES THEREOF, naming as inventors Dr. Ulrich PEUCHERT and Dr. Peter BRIX, and identified by Attorney Docket No. NHL-SCT-19 US.

This application is further related to Application Serial No. 09/758,946, filed concurrently herewith on January 11, 2001, having the title ALKALI-FREE ALUMINOBOROSILICATE GLASS, AND USES THEREOF, naming as inventors Dr. Ulrich PEUCHERT and Dr. Peter BRIX, and identified by Attorney Docket No. NHL-SCT-20 US, which application issued as U.S. Patent No. 6,671,026 on December 30, 2003.- -

In claim 63, line 5 replace "Al<sub>2</sub>O<sub>3</sub>" with - - Al<sub>2</sub>O<sub>3</sub>--.

In claim 63, line 6 replace "Al<sub>2</sub>O<sub>3</sub>" with - - Al<sub>2</sub>O<sub>3</sub>--.

***Allowable Subject Matter***

Claims 61-63 are allowed.

***Reason For Allowance***

The following is an examiner's statement of reasons for allowance:

Applicant can rely upon the foreign priority papers to overcome the 35 USC 103(a) rejections over Peuchert et al. U.S. Patent 6,417,124 and Lautenschlager et al., U.S. Patent 6,465,391 because a translation of said papers has been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15. Therefore, the Peuchert et al. and Lautenschlager et al. references are no longer prior art.

The prior art fails to disclose or suggest an alkali-free aluminoborosilicate glass having the composition and properties in the ranges as recited in the instant claims. Specifically, the coefficient of thermal expansion, the  $T_g$ , and the temperatures at the viscosities at  $10^2$  and  $10^4$  dPas.

Nishizawa et al., U.S. 6,169,047, appears to be the closest prior art. Nishizawa et al. has overlapping ranges of components with the instant claims. However, Nishizawa et al. does not have the recited thermal-viscosity properties of the instant claims. Applicants' argument showing the difference temperatures at the strain point and the  $10^2$  and  $10^4$  viscosities in the glasses of Nishizawa et al. and the instant claims is deemed persuasive. See applicants arguments filed 16 January 2004, pages 12-15.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1755

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 571-272-1363. The examiner can normally be reached on 9:30 am-7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 571-272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAB  
9 February 2004

  
**KARL GROUP**  
**PRIMARY EXAMINER**  
**GROUP 1755**